### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Galveston District DISTRICT OFFICE:

D-16914 - Site 12 FILE NUMBER:

Date: 8 July 2005 Mark Pattillo REGULATORY PROJECT MANAGER:

In the office Y(Y/N)Date: 8 July 2005 PROJECT REVIEW/DETERMINATION COMPLETED: At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

Texas State:

San Patricio County:

28-5-47.6001 N; 97-24-34.4433 W Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 920 Acres

Aransas River watershed Name of waterway or watershed:

#### SITE CONDITIONS:

0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
								+
					<del> </del>		-	
					<del> </del>		+	
X				<u> </u>			-	
						+		
						<del> </del>		
				<del></del>		<del>                                     </del>		
						<del> </del>		
		<u> </u>	<u> </u>	interes extente sue	tor present e	nd hest estin	nate for size (	of non-
	X	X	X	X	X	V X	V X	0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac 25-50 ac feet

jurisdictional aquatic resource area.

		If Unknown Use Best Professional Judgment					
es	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
		X		V			
				X Y			
			X	A Listing all included			
			to Occur X	to Occur Occur			

#### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Galveston District DISTRICT OFFICE:

D-16914 - Site 13 FILE NUMBER:

Date: 8 July 2005 REGULATORY PROJECT MANAGER: Mark Pattillo

In the office Y (Y/N) Date: 8 July 2005 PROJECT REVIEW/DETERMINATION COMPLETED:

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

Texas State:

San Patricio County: 28-5-59.0128 N; 97-24-37.9389 W Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 920 Acres

Aransas River watershed Name of waterway or watershed:

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ас	25-50 ac	> 50 ac	Linear feet	Unknown
	_			<del>                                     </del>					
Lake			<del> </del>				T		
River				<del> </del>					
Stream			<del> </del>	<del></del>					
Dry Wash			<del> </del>	<del> </del>					
Mudflat			<del> </del>	<del> </del>					
Sandflat					+				
Wetlands	X						<u> </u>		
Slough							+		
Prairie pothole									
Wet meadow							<del> </del>		
Playa lake							<del> </del>		
Vernal pool									
Natural pond						+			
Other water (identify type)									
	1								
¹Check appropriate boxes that		1	_						fnon

jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If K	nown	1	If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by			X		
Migratory Bird Treaties?  Is or would be used as habitat by other migratory birds that					X
cross state lines? Is or would be used as habitat for endangered species?				X	X
Is used to irrigate crops sold in interstate commerce?  ¹Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	 cability of t	he Migrator	ry Bird Rule to	apply to onsite, non	jurisdictional, isolated,

TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Galveston District **DISTRICT OFFICE:** 

D-16914 - Site 14 FILE NUMBER:

Date: 8 July 2005 Mark Pattillo REGULATORY PROJECT MANAGER:

In the office Y (Y/N) Date: 8 July 2005 PROJECT REVIEW/DETERMINATION COMPLETED: At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

Texas State:

San Patricio County: 28-6- 0.6796 N; 97-24-41.5783 W Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 920 Acres

Aransas River watershed Name of waterway or watershed:

#### SITE CONDITIONS:

Type of aquatic resource1	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River						<del> </del>		<del>                                     </del>	
Stream									
Dry Wash			ļ		<del> </del>	-			
Mudflat			ļ				-		
Sandflat							+		
Wetlands	X					+			
Slough						+			
Prairie pothole							+		<b></b>
Wet meadow									
Playa lake									
Vernal pool					_		+		
Natural pond									
Other water (identify type)									
¹Check appropriate boxes that	best describ	e type of is	olated, nor	n-navigable,	intra-state wa	iter present a	nd best estin	ate for size (	of non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If K	nown	1	If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by			X		
Migratory Bird Treaties?  Is or would be used as habitat by other migratory birds that					X
cross state lines?					X
Is or would be used as habitat for endangered species?  Is used to irrigate crops sold in interstate commerce?  Check appropriate boyes that best describe potential for applications.			Divid Dula to	X	  -iurisdictional_isolated

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated non-navigable, intra-state aquatic resource area.

Preliminary \_ Or

Approved X

### TYPE OF DETERMINATION:

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by

applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of

the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** 

Galveston District

FILE NUMBER:

D-16914 - Site 15

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates:

28-6- 2.3251 N; 97-24-43.3860 W

Approximate size of site/property (including uplands & in acres):

920 Acres

Name of waterway or watershed:

Aransas River watershed

#### SITE CONDITIONS:

Type of aquatic resource1	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River				<u> </u>					+
Stream				ļ		<b>_</b>			
Dry Wash						<del> </del>			
Mudflat									
Sandflat				ļ		<del> </del>			
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow								+	
Playa lake						<del></del>			
Vernal pool								-	
Natural pond				<u> </u>					
Other water (identify type)									
¹Check appropriate boxes that			1	svigabla	intro state we	ter present a	nd best estin	ate for size (	of non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If K	nown	1	If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by			X		
Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that					X
cross state lines? Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for applic	ability of t	he Migrato	rv Bird Rule to	Apply to onsite, non-	 -jurisdictional, isolate

non-navigable, intra-state aquatic resource area.

#### TYPE OF DETERMINATION:

Approved XPreliminary \_\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-16914 - Site 16

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): 28-6- 3.9707 N; 97-24-45.1938 W

Name of waterway or watershed:

920 Acres Aransas River

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake			<u> </u>						
River						<del> </del>	-	-	
Stream				-			+		
Dry Wash							-		
Mudflat			<del> </del>	<del> </del>					
Sandflat						+			
Wetlands	X			<del></del>		-			
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹Check appropriate boxes that			-lated no	n navigable	intra-state Wa	ter present a	nd best estir	nate for size	of non-

If Unknown If Known Use Best Professional Judgment Migratory Bird Rule Factors1: Not Able To Make Not Expected to Predicted Yes No Determination Occur to Occur Is or would be used as habitat for birds protected by **Migratory Bird Treaties?** X Is or would be used as habitat by other migratory birds that cross state lines? Is or would be used as habitat for endangered species? Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated,

non-navigable, intra-state aquatic resource area.

### TYPE OF DETERMINATION:

Approved X Preliminary \_\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-16914 - Site 17

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

County: Center coordinates of site by latitude & longitudinal coordinates: San Patricio 28-7-18.4510 N; 97-26-45.0322 W

Texas

Approximate size of site/property (including uplands & in acres):

920 Acres Aransas River watershed

Name of waterway or watershed:

### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
		ļ							
Lake				<del> </del>			+		
River			<u> </u>				+		
Stream				<del> </del>		+			
Dry Wash				<b></b>		<del> </del>		+	
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole						+			
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	X			1					
Depression from construction					1	1	1		
¹Check appropriate boxes that b	_	1						- to for size	of non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If K	nown	1	If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that			X		X
cross state lines?  Is or would be used as habitat for endangered species?				V	X
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for appl non-navigable, intra-state aquatic resource area.	icability of t	he Migrator	ry Bird Rule to	apply to onsite, non	-jurisdictional, isolated,

# TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-16914 - Site 18

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

County: Center coordinates of site by latitude & longitudinal coordinates: San Patricio

Texas

28-7-25.1144 N; 97-26-59.5952 W

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

920 Acres Aransas River watershed

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
	<del>                                     </del>	ļ	<del> </del>						
Lake				+					
River			<del> </del>			1			
Stream				<del> </del>					
Dry Wash				<del> </del>					
Mudflat			<del> </del>		+				
Sandflat						-			
Wetlands						<del></del>			
Slough						+			
Prairie pothole			<b>_</b>	<del> </del>		+			
Wet meadow									
Playa lake									
Vernal pool									
Natural pond						+			
Other water (identify type)	X	i i							ŀ
Depression from construction	_								
¹Check appropriate boxes that b						-tow procent o	nd heet estir	nate for size	of non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If K	nown		If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		X			
Is or would be used as habitat by other migratory birds that cross state lines?  Is or would be used as habitat for endangered species?				V	X			
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	cability of t	he Migrator	ry Bird Rule to	apply to onsite, non	l -jurisdictional, isolated,			

### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Galveston District

FILE NUMBER:

D-16914 - Site 19

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

**Texas** 

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates: Approximate size of site/property (including uplands & in acres): 28-7-30.0910 N; 97-27- 8.6857 W

Name of waterway or watershed:

920 Acres Aransas River watershed

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Type or ma	1			ļ			<del> </del>	1001	
Lake									
River			<u> </u>	ļ		<del> </del>			
Stream			ļ	<del></del>		+			
Dry Wash				<del> </del>					
Mudflat							-		
Sandflat						-			
Wetlands	X		<u> </u>	<del> </del>		+			
Slough									
Prairie pothole									
Wet meadow				+		+			
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)			1						
								1	1
¹Check appropriate boxes that						-t	nd hest estir	nate for size	of non-

Migratory Bird Rule Factors¹:	If K	nown		If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by	 [		X		
Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that					X
cross state lines?		<del> </del>			X
Is or would be used as habitat for endangered species?				X	: '-di-tional isolated
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	cability of t	he Migrato	ry Bird Rule to	apply to onsite, non	-jurisdictional, isolated

### TYPE OF DETERMINATION:

Approved XPreliminary \_\_\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16914 - Site 20

Date: 8 July 2005 Mark Pattillo REGULATORY PROJECT MANAGER:

Date: 8 July 2005 PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N)

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

**Texas** State: San Patricio

County: 28-7-31.8806 N; 97-27-23.3194 W Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 920 Acres

Aransas River watershed Name of waterway or watershed:

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River						<del> </del>		1	
Stream									
Dry Wash						<del> </del>			
Mudflat									
Sandflat									
Wetlands	X					+		<del> </del>	
Slough									
Prairie pothole									
Wet meadow						+			
Playa lake						+			
Vernal pool						<del> </del>			
Natural pond					_				
Other water (identify type)									
Check appropriate hoxes that					inter-atata w	tor present a	nd hest estin	nate for size	of non-

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of nonjurisdictional aquatic resource area.

		If Unknown Use Best Professional Judgment				
Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
		X				
				X		
		ļ		X		
			X			
-			to Occur X	to Occur Occur		

non-navigable, intra-state aquatic resource area.

### TYPE OF DETERMINATION:

Approved XPreliminary \_\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

<u>I-5127</u>

REGULATORY PROJECT MANAGER:

Hoth

Date: 14 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 4 August 2005

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

<u>TX</u>

Fort Bend

29° 23' 41"N, 95° 43' 02"W

Lower Brazos

#### SITE CONDITIONS:

0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac →	25-50 - ac	> 50 ac	Linear Feet	Unknown
								<u> </u>
						X		ļ
								ļ
								-
								ļ
	0-1 ac	0-1 ac 1-3 ac	0-1 ac   1-3 ac   3-5 ac					ac ac ac Feet

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

	If K	nown	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?			3 No. 2006 10 10 10 10 10 10 10 10 10 10 10 10 10		X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce	,				X			

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

### TYPE OF DETERMINATION:

### PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

CESWG-PE-RC DISTRICT OFFICE:

D-17496 FILE NUMBER:

Date: 14 March 2005 REGULATORY PROJECT MANAGER: Hoth

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)Date: 4 August 2005

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

TX

Fort Bend 29° 23' 41"N, 95° 43' 02"W

Lower Brazos

#### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources	- 1914 - 1915 - 1915 - 1916 - 1916 - 1916		15 (14) (15) 15 (15) (15) (15)	ac	ac	ac	ac	Feet	
Lake	ļ								
River									
Stream									<b> </b>
Dry Wash									<del> </del>
Mud Flat									
Sand Flat									<del> </del>
Wetlands							X		ļ
Slough					ļ		<del> </del>		<del></del>
Prairie Pothole									
Wet Meadow					ļ				
Playa Lake									ļ
Vernal Pool									
Natural Pond									ļ
Other Water (Identify		1							1
Type)									
			1	ĺ	Į.	1			

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area.

jurisdictional aquatic resource area.	If Kı	iown	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce					X			

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

#### TYPE OF DETERMINATION:

### PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-16082

REGULATORY PROJECT MANAGER:

Hoth

Date:18 May 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 18 August 2004

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

<u>TX</u>

Fort Bend

29° 45' 37"N, 95° 51' 31"W

<u>400</u>

**Buffalo-San Jacinto** 

#### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources		y officers	7 1 19 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	ac	ac	ac	ac	Feet	
Lake									
River	<u></u>						ļ		
Stream									+
Dry Wash							ļ		<del> </del>
Mud Flat							<u> </u>		debititive.
Sand Flat					ļ <u>.</u>				<del>                                     </del>
Wetlands						X	ļ		<b>_</b>
Slough						ļ			<u> </u>
Prairie Pothole									
Wet Meadow							ļ		
Playa Lake							ļ		
Vernal Pool									
Natural Pond								<u> </u>	
Other Water (Identify									
Type)									
İ	1		1		1			L	

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area.	If Kr	own	If Unkno	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination				
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X				
Is or would be used as habitat by other migratory birds that cross state lines?					X				
Is or would be used as habitat for endangered species?					X				
Is used to irrigate crops sold in interstate commerce					X				

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

#### TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED  $\underline{X}$ 

ADDITIONAL INFORMATION SUPPORTING NJD: Some of the wetlands on the site are not located within the 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, these wetlands are isolated with no known nexus to interstate commerce.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-P	E-RC							
FILE NUMBER:	D-16325								
REGULATORY PROJECT MAN	NAGER:	Jaynes, Ke	nny				Date:		3-Jun-05
PROJECT REVIEW/DETERMIN	ATION CO	MPI ETED:	In the office		(Y/N)		Date:		3-Jun-05
KOJECI KEAIEMADELEKIMIII	ATION OO	WII CETES.	At the Project	Site			Date:		11-May-05
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit	ude & Long (Including l	gitudinal C Uplands &	oordinates In Acres):	::		Texas Jefferson	04 N 34	10, 55, M
SITE CONDITIONS:									
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake				<u> </u>	<u> </u>				
River				ļ	<del> </del>	<del> </del>	<del> </del>	-	
Stream	<u> </u>	<b></b>	<u> </u>			<del> </del>			
Dry Wash	<u> </u>	<u> </u>		<u> </u>				<del> </del>	
Mud Flat	<b></b>	ļ	<u> </u>		<del> </del>	ļ	<del> </del>		
Sand Flat		<b></b>		<del>                                     </del>	<del>                                     </del>				х
Wetlands	_	<del> </del>		<del>                                     </del>	<del> </del>	<b>-</b>			
Slough			<del> </del>	<del>                                     </del>	<del> </del>				
Prairie Pothole	+	<del> </del>	<del> </del>		<u> </u>				
Wet Meadow	+	<del> </del>			1				
Playa Lake	-	+	<del> </del>		<del>                                     </del>				
Vernal Pool Natural Pond		<del> </del>							
upland drainage ditch									
<sup>1</sup> Check appropriate boxes th	to best des	oribe type	of isolated	non-navio	nable, intra	-state wate	r present a	and best	jx
estimate for size for non-ju	risdictiona	aguatic re	source are	a.					
Migratory Bird Rule Factors		- 14 - 14		lf K	lnown			If Unknown	ldamont
Wilgratory Bind Noice ( dottore)				Yes	No	Predicted		Professional J xpected to	Not Able to Make
				168	1,0	to Occur		Occur	Determination
ls or would be used as habit Migratory Bird Treaties?	at for birds	protected l	ру						х
Is or would be used as habit	at by other	migratory t	oirds that			-			<u> </u>
cross state lines?	,	_ ,							X
Is or would be used as habit	at for enda	ngered spe	cies?						X
t to industry arena cole	l in intereta	to commer	ce?						_ <u> </u> x
1 Check appropriate boxes the isolated, non-navigable, intra	hat best des	scribe pote	ntial for ap	plicability	of the Migr	atory Bird	Rule to ap	ply to onsite,	non-jurisdictional
TYPE OF DETERMINATION:				Prelimin	ary	or	Approve	d X	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-17138

REGULATORY PROJECT MANAGER:

Hoth

Date: 9 June 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: N(Y/N)

Date: 9 June 2005

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

TX

Fort Bend

29° 40' 53"N, 95° 43' 43"W

<u>30</u> <u>Unknown</u>

#### SITE CONDITIONS:

SITE CONDITIONS:	0.1.00	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Type of Aquatic	0-1 ac	1-3 ac	3-3 ac		ac	ac	ac	Feet	
Resources <sup>1</sup>				ac	ac				
Lake									
River									
Stream									
Dry Wash								,	+
Mud Flat									
Sand Flat									X
Wetlands									\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Slough						<u> </u>			
Prairie Pothole						-			
Wet Meadow									
Playa Lake						ļ			
Vernal Pool									
Natural Pond							<u> </u>		
Other Water (Identify									
Type)									
						_			

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

	If Known		If Unknown Use Best Professional Judgment						
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination				
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X				
Is or would be used as habitat by other migratory birds that cross state lines?					X				
Is or would be used as habitat for endangered species?					X				
Is used to irrigate crops sold in interstate commerce					X				

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area

### TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the project site.

Working or discharging dredged or fill material within the project site is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act and will not require a Department of the Army permit.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:									
REGULATORY PROJECT M	1ANAGEI	R:		Reagan Ric	chter		Date: _07 July 2005_		
PROJECT REVIEW/DETER	ROJECT REVIEW/DETERMINATION COMPLE				he office _Y he project s		Date:0' Date: 07/0	_	
PROJECT LOCATION INFO State: County: Center coordinates of Approximate size of Name of waterway of SITE CONDITIONS:	of site by la site/prope	atitude & erty (inclu	longitud iding upla	inal coordir ands & in a	nates: (NA cres):	Nueco D 27) N27.0	s es 64564 W97 95.0 acres_ na Madre	7.31139	
Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River								+	
Stream							<del> </del>		
Dry Wash		<del> </del>		+	-				
Mudflat			<u> </u>	<del> </del>			+		
Sandflat				X			<del></del>		
Wetlands				<u> </u>					
Slough							+		
Prairie pothole									
Wet meadow				<del> </del>		<del>-  </del>			
Playa lake	<u> </u>					-			
Vernal pool								1	
Natural pond						_			
Other water (identify type)	-						and best estin	note for size (	of non-
<sup>1</sup> Check appropriate boxes that b jurisdictional aquatic resource a	est describe rea.	type of is	olated, nor	ı-navigable, i	ntra-state wa	iter present a	ina dest estin	iate for size (	,, non-

If Kr	nown	If Unknown Use Best Professional Judgment					
Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
				X			
X							
				X			
			X				
	Yes	X	Yes No Predicted to Occur	Yes No Predicted to Occur  Use Best Professiona  Not Expected to Occur			

### TYPE OF DETERMINATION:

Approved \_X\_. Preliminary \_\_\_ Or

## OPITIONAL ADDITIONAL INFORMATION SUPPORTING NJD:

Some wetlands on the subject property are connected to waters of the United States through non-tidal drainage ditches that were excavated through uplands. According to the preamble to 33CFR parts 320 through 330, on page 41217, Section 328.3: Definitions, "Non-tidal drainage and irrigation ditches excavated on dry land" are not considered to be waters of the United States. However, the USACE reserves the right on a case-by-case basis to determine that a particular water body within that category (non-tidal drainage ditch excavated from uplands) is a water of the United States. The USACE is unable to establish a historical natural connection to waters of the US or establish other grounds to exert jurisdiction over the wetlands on the property.

The USACE reviewed aerial photographs from 1950, 1961, 1969, 1979, 1989, 1990, 1995, 2002, and 2004, USGS 7.5 minute guadrangles and NWI maps of Oso Creek NE, TX, FEMA/FIRM maps, and conducted a site visit to make this determination of no jurisdiction.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** 

Galveston District

FILE NUMBER:

D-16914 - Site 21

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates:

28-7-33.5256 N; 97-27-25.1283 W

Approximate size of site/property (including uplands & in acres):

920 Acres

Name of waterway or watershed:

Aransas River watershed

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
			ļ	<del> </del>					
Lake									
River					+				
Stream				<del> </del>					
Dry Wash			<del></del>		+				
Mudflat					+				
Sandflat			<del> </del>	<del></del>					
Wetlands	X			<del> </del>		+			
Slough									
Prairie pothole						+			
Wet meadow									
Playa lake									
Vernal pool						_			
Natural pond									
Other water (identify type)	1			1					
( )	_	ŀ							
¹Check appropriate boxes that	_							note for size	of non-

If Unknown If Known Use Best Professional Judgment Migratory Bird Rule Factors1: Not Able To Make Not Expected to Predicted Yes Determination Occur to Occur X Is or would be used as habitat for birds protected by **Migratory Bird Treaties?** X Is or would be used as habitat by other migratory birds that cross state lines? Is or would be used as habitat for endangered species? Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

### TYPE OF DETERMINATION:

Approved X Preliminary \_\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

**Galveston District** 

FILE NUMBER:

D-16914 - Site 22

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y(Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates:

28-7-33.5462 N; 97-27-26.9604 W

Approximate size of site/property (including uplands & in acres):

920 Acres

Name of waterway or watershed:

Aransas River watershed

#### SITE CONDITIONS:

0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
			<del></del>		<del></del>	+	+	+
		<u> </u>			+	<del> </del>	+	
			<del> </del>		+		+	1
		<u> </u>	<b></b>		<del></del>	-		
				+	-	+		
X			<b>_</b>		+		+	
		ļ			+	+	+	
			<b>_</b>		+	+	<del></del>	
			-	+	+	+	+	
					+	+	+	+
					+	+		
					+		+	
-							- 4. Car = = = =	fron

jurisdictional aquatic resource area.

If Kı	10WN	If Unknown Use Best Professional Judgment					
Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
		X		V			
				X			
			X	invisdictional isolates			
	Yes		Yes No Predicted to Occur  X	Yes No Predicted Not Expected to Occur			

#### TYPE OF DETERMINATION:

Preliminary \_\_\_ Approved X Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

**Galveston District** 

FILE NUMBER:

D-16914 - Site 23

REGULATORY PROJECT MANAGER:

Mark Pattillo

Date: 8 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: 8 July 2005

At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

State:

County:

San Patricio

Center coordinates of site by latitude & longitudinal coordinates:

28-7-35.2118 N; 97-27-30.6015 W

Approximate size of site/property (including uplands & in acres):

920 Acres

Name of waterway or watershed:

Aransas River watershed

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									1
Stream						<del> </del>			<del>                                     </del>
Dry Wash				ļ		<del> </del>			
Mudflat				<u> </u>		+		+	
Sandflat							+		-
Wetlands	X						+		
Slough							+		
Prairie pothole							+		
Wet meadow							<del></del>		<del></del>
Playa lake				<u> </u>				_	
Vernal pool									
Natural pond									
Other water (identify type)									
	-								
<sup>1</sup> Check appropriate boxes that	best describe	e type of is	olated, nor	ı-navigable,	intra-state wa	ter present a	nd best estin	ate for size o	of non-

jurisdictional aquatic resource area.

Migratory Bird Rule Factors¹:	If K	nown	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
s or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?  Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for applic		<u> </u>		X	A			

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-j non-navigable, intra-state aquatic resource area.

#### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

Galveston District **DISTRICT OFFICE:** 

FILE NUMBER: D-16914 - Site 24

Date: 8 July 2005 Mark Pattillo REGULATORY PROJECT MANAGER:

In the office Y (Y/N) Date: 8 July 2005 PROJECT REVIEW/DETERMINATION COMPLETED: At the project site N (Y/N)

PROJECT LOCATION INFORMATION:

**Texas** State:

San Patricio County:

28-7-38.5017 N; 97-27-34.2193 W Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres): 920 Acres

Aransas River watershed Name of waterway or watershed:

#### SITE CONDITIONS:

Type of aquatic resource1	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream				ļ		-			1
Dry Wash				<u> </u>					
Mudflat									
Sandflat				ļ			+		
Wetlands	X					-	_	+	
Slough								+	
Prairie pothole									
Wet meadow							+		
Playa lake									
Vernal pool									
Natural pond							+		
Other water (identify type)					1				
				1			-		
¹Check appropriate boxes that	_ I							- to fam size (	fnon

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If K	nown		If Unknow Use Best Professiona	l Judgment
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by			X		
Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that					X
cross state lines? Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?	ability of t	he Migrato	ry Bird Rule to	X apply to onsite, non-	 -jurisdictional, isolated

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isola non-navigable, intra-state aquatic resource area.

#### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite): On 2004 aerial photo furnished by applicant, a wetland signature is present on the tract. The wetland is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the wetland and a water of the United States. Therefore, the wetland is isolated with no known nexus to interstate commerce. The wetland is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:			_	ESWG-PE- 873	RE					
REGULATORY PROJECT	MANAGE	R:	<u>T.</u>	Cheryl Jay	nes	<del></del>	Date: <u>28 July 2005</u>			
PROJECT REVIEW/DETER	PROJECT REVIEW/DETERMINATION COMPLETED						Date: Y (	See allo	iched)	
PROJECT LOCATION INFO State: County: Center coordinates Approximate size of Name of waterway of SITE CONDITIONS:	of site by la	atitude & erty (inclu	longitudi	inal coordii ands & in a	nates: cres):	113 Acr	35"N; -95°			
Type of aquatic resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown	
Lake								<u> </u>		
River						+				
Stream						<del> </del>		+		
Dry Wash						+				
Mudflat		<u> </u>	+	<del> </del>		+				
Sandflat		ļ		ļ		+		1		
Wetlands	1		+	ļ		+		1		
Slough				<u> </u>		+				
Prairie pothole		ļ	+			<del></del>				
Wet meadow						-				
Playa lake		<del> </del>				+		1		
Vernal pool		<u> </u>		+		+				
Natural pond		<del></del>		+		+				
Other water (identify type)		type of is	olated not	n-navigahle, i	intra-state wa	nter present a	nd best estin	nate for size (	of non-	
'Check appropriate boxes that i jurisdictional aquatic resource	rea.									

Migratory Bird Rule Factors <sup>1</sup> :	If K	nown	If Unknown Use Best Professional Judgment			
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination	
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X			
Is or would be used as habitat by other migratory birds that cross state lines?			X			
Is or would be used as habitat for endangered species?					X	
		X				
Is used to irrigate crops sold in interstate commerce:  1 Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	cability of t	the Migrato	ry Bird Rule to	apply to onsite, non-	-jurisdictional, isolated,	

### TYPE OF DETERMINATION:

Or Approved X Preliminary \_\_\_

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

CESWG-PE-RC (1145)

29 March 2005

### MEMORANDUM FOR THE FILE

Subject: D-16674; Jurisdictional Delineation Verification, Proposed West Marys Creek 113 Acre Detention Facility, City of Pearland, Brazoria County, Texas

- 1. The total project site is 113.60 acres. Located within the project boundaries are three isolated wetlands totaling 0.10 acre. None of these wetlands extend off of the subject tract. The proposed project is to excavate the site to create a storm water detention basin. A Department of the Army Permit Application is currently being reviewed under SWG-05-43-003 for this project.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system that leads to a navigable water of the United States.
- 3. There are 1.03 acres of adjacent wetlands and headwaters of Marys Creek located within the on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JUSTIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

**Galveston District** 

FILE NUMBER:

D-17342

REGULATORY PROJECT MANAGER:

John Davidson

Date: 29 July 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 12 July 2005

At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas Orange County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

30-14-23.1267 N; 94-0-11.9943 W

27 acres

Neches River Watershed

#### SITE CONDITIONS:

Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Resources	Mills 1		70°0 (1)	ac	ac	ac	ac	Feet	
Lake									<del> </del>
River									<del> </del>
Stream									
Dry Wash									
Mud Flat									Annual Mandanananananananananananananananananan
Sand Flat							<u> </u>		V
Wetlands					ļ		<u> </u>		X
Slough					ļ				_
Prairie Pothole							ļ	<del> </del>	<del></del>
Wet Meadow							ļ		<del>-  </del>
Playa Lake					<u> </u>		<b></b>		
Vernal Pool					<u> </u>		<u> </u>		
Natural Pond									
Other Water (Identify					İ	1			[
Type)				ļ					
			1			]		<u> </u>	

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area.	If Known		If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce		X						

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

#### TYPE OF DETERMINATION:

### PRELIMINARY \_ or APPROVED $\underline{X}$

ADDITIONAL INFORMATION SUPPORTING NJD: There is no hydrolgic surface connections between the wetlands and a water of the United States. Therefore, the wetlands are isolated and have no known nexus to interstate commerce. The wetlands are not waters of the United States and are not subject to Section 404 of theClean Water Act.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	<u>SWG</u> <u>D-15393</u>	
REGULATORY PROJECT MANAGER:	Andrew Williams	Date: <u>11 August 2005</u>
PROJECT REVIEW/DETERMINATION COMPLET	ED: In the office <u>N</u> (Y/N) At the project site <u>Y</u> (Y	Date:
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longit Approximate size of site/property (including u Name of waterway or watershed:	udinal coordinates: 29 2	s eston 19 18 N, 95 03 14 W (NAD27) acres amed Tributary to Gum Bayou

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake	1 100 00 00 00 00 00 00								
River						-			
Stream								ļi	
Dry Wash									
Mudflat						1			
Sandflat						ļ			
Wetlands		X					ļ		
Slough						<u> </u>			
Prairie pothole									
Wet meadow								ļ	
Playa lake					ļ	ļ			
Vernal pool									
Natural pond					ļ. <u></u>	ļ		ļ	
Other water (identify type)  Check appropriate boxes that best									

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Kn	own	If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for appli					X		

non-navigable, intra-state aquatic resource area.

### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

D-15393
Determination of No Jurisdiction
Additional Information Supporting NJD

- 1. There are approximately 8 isolated wetlands located within the project boundary. The total isolated wetland acreage is approximately 1.8 acres and all of the isolated wetlands are contained completely within the project boundary.
- 2. These 8 isolated wetlands are located completely outside of the 100-year floodzone. Based on the desk review and site visit, there were no obvious surface hydrological connections from them to any water of the United States.
- 3. The is a total of 15.06 acres of waters of the United States located within the project boundary. There are 0.56 acre of open water (unnamed tributary to Gum Bayou) and 14.5 acres of wetlands contiguous with the unnamed tributary to Gum Bayou located on the site. This is an approved jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	Galveston D-17115
REGULATORY PROJECT MANAGER:	Marie Pattillo Date: 15 August 2005
PROJECT REVIEW/DETERMINATION COMPLET	TED: In the office $\underline{Y}$ (Y/N) Date: $\underline{15 \text{ August } 2005}$ At the project site $\underline{\hspace{0.5cm}}$ (Y/N)Date: $\underline{\hspace{0.5cm}}$
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & long: Approximate size of site/property (including Name of waterway or watershed:	Texas Bee itudinal coordinates: 28-25-22.03 97-45-8.38 uplands & in acres): 28 acres Salt Creek/Talpacate Creek

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake							<del> </del>		-
River			<u> </u>	<del> </del>			<del>                                     </del>		
Stream				<del> </del>					
Dry Wash				<del> </del>		<del> </del>			
Mudflat			<u> </u>			<del> </del>		1	
Sandflat			<u> </u>						
Wetlands		XXXX	<b></b>	<b>_</b>	_	+	+		
Slough			ļ	<del> </del>					
Prairie pothole			<del> </del>			<del></del>			
Wet meadow						<del> </del>			
Playa lake								<del></del>	
Vernal pool			<del></del>			+			
Natural pond						<del> </del>			
Other water (identify type)	_								
¹Check appropriate boxes that jurisdictional aquatic resource	best describe area.	e type of is	olated, noi	n-navigable,	intra-state wa	nter present a	nd best estin	nate for size	of non-

If Unknown If Known Migratory Bird Rule Factors1: Use Best Professional Judgment Not Able To Make Not Expected to Predicted No Yes Determination Occur to Occur Is or would be used as habitat for birds protected by **Migratory Bird Treaties?** X Is or would be used as habitat by other migratory birds that cross state lines? X Is or would be used as habitat for endangered species? X Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

### TYPE OF DETERMINATION:

Preliminary \_\_ Or Approved  $\underline{X}$ .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The tract is located above the 100-year floodplain and no obvious surface hydrologic connections appear to exist between the wetlands and Talpacate Creek or its branch creek, Salt Creek. Wetlands present on the tract are isolated with no known nexus to interstate commerce, are not waters of the U.S. or subject to Section 404 of the Clean Water Act.

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston								
FILE NUMBER:	D-17301								
REGULATORY PROJECT MA	NAGER:	Dwayne Jo	hnson				Date:		8/15/2005
PROJECT REVIEW/DETERMIN	NATION COI	MPLETED:	In the office _ At the Project	_YES Site	(Y/N) (Y/N)		Date: Date:		8/15/2005
PROJECT LOCATION INFORM State: County: Center Coordinates of Approximate Size of Si Name of Waterway or M	Site by Latit te/Property	ude & Long (Including	gitudinal Co Uplands &	oordinates: In Acres):	:		Texas Montgome 30° 08' 01" White Oak	N, 95° 13' 36"\	N 26.2
SITE CONDITIONS:								T	
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat				<u> </u>		<u> </u>			
Wetlands									
Slough				<u></u>					
Prairie Pothole						ļ	ļ	<del> </del>	
Wet Meadow				<u> </u>		<u> </u>		<del> </del>	
Playa Lake				<u> </u>					
Vernal Pool									
Natural Pond				XXXXXX	L		<u> </u>	<u> </u>	
Other Water (Identify Type)									
Ditab/Fish nende	=								
<sup>1</sup> Check appropriate boxes t	hat host des	cribe type	of isolated	non-navig	able, intra-	-state wate	r present a	ind best	
estimate for size for non-ju	urisdictional	aguatic re	source are	a.					
Migratory Bird Rule Factors				If K	nown			If Unknown	
Migratory Bird Rule I actors	•							Professional J	
				Yes	No	Predicted		xpected to	Not Able to Make
				1		to Occur		Occur	Determination
Is or would be used as habi	tat for birds	protected	by			1			xxxxx
Migratory Rind Treaties?						<del> </del>	<del> </del>	<del>                                     </del>	<u> </u>
Is or would be used as habi	tat by other	migratory	birds that			1	-		VVVVV
cross state lines?						<b>_</b>	<del> </del>		XXXXX
Is or would be used as habi	tat for enda	ngered spe	cies?					_	
le wood to irrigate crops sol	d in intersta	te commer	ce?					<u> </u>	XXXXX
<sup>1</sup> Check appropriate boxes tisolated, non-navigable, int	that best des	scribe pote	ntial for ap	plicability	of the Migr	atory Bird	Rule to ap	ply to onsite, I	non-jurisdictional,
TYPE OF DETERMINATION				Prelimina	ary	or	Approve	d Xxxxxxx	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Pond is isolated with no nexus to interstate commerce

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

CESWG-PE-RC DISTRICT OFFICE:

D-17435 FILE NUMBER:

Date: 29 August 2005 Hudson REGULATORY PROJECT MANAGER:

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)Date:18 August 2005

Date: 17 August 2005 At the project Site: Y(Y/N)

PROJECT LOCATION INFORMATION:

**Texas** State: **Harris** 

County:

29° 53' 21"N, 95° 41' 42"W Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres) 189.9

Addicks Reservior Name of Waterway or Watershed

SITE CONDITIONS:	0.1.00	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Type of Aquatic	0-1 ac	1-3 ac	3-3 ac		ac	ac	ac	Feet	
Type of Aquatic Resources <sup>1</sup>	<u> </u>			ac	ac ac				
Lake									
River									
Stream			ļ						
Dry Wash									
Mud Flat									
Sand Flat			ļ						
Wetlands		X							
Slough									
Prairie Pothole			<u> </u>				<del> </del>		
Wet Meadow			ļ						
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify									
Type)									
ĺ			1				<del></del>	anta for size for	non

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

urisdictional aquatic resource area.	If Kı	iown	If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds					X			
protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?								
Is or would be used as habitat for					X			
endangered species?		<del> </del>			X			
Is used to irrigate crops sold in interstate commerce				Rule to apply to onsite, n	on-jurisdictional isolate			

<sup>&</sup>lt;sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

PRELIMINARY \_ or APPROVED XTYPE OF DETERMINATION: ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands were located outside of the 100-year floodplain with no known direct hydrological surface connection and no known nexus to interstate commerce

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

REGULATORY PROJECT MANAGER:  PROJECT REVIEW/DETERMINATION  PROJECT LOCATION INFORMATION  State: County: Center Coordinates of Site by L Approximate Size of Site/Prope Name of Waterway or Watershe	COMPLETED: : atitude & Long rty (Including l	In the office _ At the Project	Site	(Y/N) Yes		Date: Date: Date:		26-Aug-05 18-Aug-04
PROJECT REVIEW/DETERMINATION  PROJECT LOCATION INFORMATION  State:  County:  Center Coordinates of Site by L  Approximate Size of Site/Prope	COMPLETED: : atitude & Long rty (Including l	In the office _ At the Project	Site	·		Date:		
PROJECT REVIEW/DETERMINATION  PROJECT LOCATION INFORMATION  State:  County:  Center Coordinates of Site by L  Approximate Size of Site/Prope	COMPLETED: : atitude & Long rty (Including l	At the Project	Site	·				18-Aug-04
PROJECT LOCATION INFORMATION State: County: Center Coordinates of Site by L Approximate Size of Site/Prope	: atitude & Long rty (Including l	At the Project	Site	·		Date:		18-Aug-04
State: County: Center Coordinates of Site by L Approximate Size of Site/Prope	atitude & Long		One					
State: County: Center Coordinates of Site by L Approximate Size of Site/Prope	atitude & Long	ritudinal Co						
State: County: Center Coordinates of Site by L Approximate Size of Site/Prope	atitude & Long	ritudinal Co				<b></b>		
County: Center Coordinates of Site by L Approximate Size of Site/Prope	rty (Including I	situdinal Co				Texas Fort Bend		
Center Coordinates of Site by L Approximate Size of Site/Prope	rty (Including I	situdinal Co					N, 95 34' 39" W	
Approximate Size of Site/Prope	rty (Including I	jituulilai O	ordinates:	•	•	8.5 acres	11, 93 04 00 11	
Name of Waterway or Watershe	d:	Uplands &	in Acres):				zos Water Shed	<u> </u>
						LOWEI DIA	EOS Water Cite	
SITE CONDITIONS:								
Type of Aquatic Resource 0-1	ac 1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake River								
Stream								
Dry Wash							<del> </del>	
Mud Flat				<u> </u>			<del>                                     </del>	
Sand Flat							<del> </del>	
Wetlands			X					
Slough							+	
Prairie Pothole							-	
Wet Meadow						<del> </del>	<del> </del>	
Playa Lake					<del> </del>	ļ		
Vernal Pool			<del> </del>		<del> </del>	<del> </del>		
Natural Pond				<del> </del>		-	+	
Other Water (Identify Type)								
		<del></del>			ctate wate	r present :	and best	L
<sup>1</sup> Check appropriate boxes that best	describe type	of isolated	i, non-navi	gable, ilitia	-State Wate	n procent		
estimate for size for non-jurisdicti Migratory Bird Rule Factors <sup>1</sup> :	onal aquatic i	esource are	lf k	Cnown		II.a. Baati	If Unknown Professional J	udament
Imigratory Dira Haio Laston							xpected to	Not Able to Make
			Yes	No	Predicted to Occur	INOLE	Occur	Determination
Is or would be used as habitat for b Migratory Bird Treaties?					x			
Is or would be used as habitat by of	her migratory	birds that			<b>1.</b>			
cross state lines?			<u> </u>		_X	+		x
Is or would be used as habitat for e	ndangered sp	ecies?			+	x	-	<u> </u>
the leader around cold in inte	retata comme	rce?					<del></del>	
1 Check appropriate boxes that bes isolated, non-navigable, intra-state	t describe pot	ential for a	pplicability	of the Migr	atory Bird	Rule to ap	ply to onsite,	non-jurisdictiona

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

### MEMORANDUM FOR THE FILE

Subject: I-4990; Alleged Unauthorized Discharge of Fill Material, End of Heritage Colony Boulevard, City of Missouri City, Fort Bend County, Texas

- 1. The project site is ≈8.5 acres. There is an area that appears to meet the hydrophytic vegetation, wetland soils, and wetland hydrology criteria of the Corps of Engineers 1987 Wetland Delineation Manual. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

### DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-PE	-RC							
FILE NUMBER:	D-17680								- 12 12 22 5
REGULATORY PROJECT MAI	NAGER:	Jaynes, Ke	enny				Date:		9/2/2005
PROJECT REVIEW/DETERMII	MATION CO	API FTFD:	In the office		(Y/N)		Date:		9/2/2005
PROJECT REVIEW/DETERMIN	AMIION COM	m LLTLD.	At the Project	Site	(Y/N)		Date:		
PROJECT LOCATION INFORM	MATION:						Texas		
State:							lefferson		
County:			'4d'al Ca	andinatae			30 06 05N	94 10 35W, 30	0 06 14N 94 10 36V
County:  Center Coordinates of Single Approximate Size of Single Name of Waterway or V	te/Property(	ude & Long (Including	Uplands &	In Acres):	•		Hillbrandt		
SITE CONDITIONS:								_	<del></del>
Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake								<del> </del>	
River									
Stream			<b></b>				<del> </del>		
Dry Wash			<u> </u>				<del> </del>		
Mud Flat			ļ						
Sand Flat					<del> </del>		+		XXXXX
Wetlands					<del> </del>	<del> </del>	<del> </del>	<del></del>	
Slough					<del> </del>		+	<b></b>	
Prairie Pothole		<u> </u>			<del> </del>		+		
Wet Meadow				ļ		<del> </del>	1		
Playa Lake					+	<del> </del>		1	
Vernal Pool					<b>-</b>	<del> </del>	<del> </del>	1	
Natural Pond						<del> </del>			
Other Water (Identify Type)									
<sup>1</sup> Check appropriate boxes t	hat bast das	cribe type	of isolated	non-navi	gable, intra	-state wate	er present	and best	
estimate for size for non-	urisdictiona	l aquatic re	esource are	a.			<del>-, -, -, -, -, -, -, -, -, -, -, -, -, -</del>	If Unknown	
estimate for size for field	1,			lf k	Cnown			Professional	Judament
Migratory Bird Rule Factors								Expected to	Not Able to Make
				Yes	No	Predicted to Occur		Occur	Determination
Is or would be used as hab	tat for birds	protected	by		.				×
ner 4 Dind Treation?									+
Is or would be used as habitat by other migratory birds that							1		х
areas state lines?									x
le or would be used as hab	itat for enda	ngered sp	ecies?			_			x
Is used to irrigate crops so	ld in intersta	ate comme	rce?						
1 Check appropriate boxes	that best de	scribe pot	ential for ap	plicability	of the Mig	ratory Bird	Rule to ap	ply to onsite,	non-jurisaictional
isolated, non-navigable, int	ira-state aqu	auc iesou	100 41041				Approv	ad XX	
TYPE OF DETERMINATION	l:			Prelimir	nary	_ or	Approv	eu AA	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): The site is isolated with no known nexus to interstate commerce NOR surface tributary systems.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	CESWG D-17681	
REGULATORY PROJECT MANAGER:	Ryan Fordyce	Date: 9/8/05
PROJECT REVIEW/DETERMINATION COMPLET	TED: In the office _Y_ (Y/) At the project site (	N) Date: 9/8/05 (Y/N) Date:
PROJECT LOCATION INFORMATION: State: County: Center coordinates of site by latitude & longing to the state of	Ha tudinal coordinates: 29	XAS rris 0°41′11″N, 95°02′22″W 4 rth Galveston Bay Watershed

#### SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River						<u> </u>	<del> </del>		
Stream					<b>-</b>	<del> </del>		<del>                                     </del>	
Dry Wash							+		
Mudflat			<u> </u>	<del> </del>	+	<del> </del>			
Sandflat				<b></b>		<del> </del>			
Wetlands	0.04		<u> </u>	<del> </del>		<del> </del>			
Slough				<del> </del>		<del></del>			
Prairie pothole				<del> </del>			<del>                                     </del>		
Wet meadow						+			
Playa lake				<del> </del>			1		
Vernal pool									
Natural pond			<b></b>	<del> </del>		+			
Other water (identify type)  Check appropriate boxes that	_								

jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If K	nown	If Unknown Use Best Professional Judgment			
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination	
Is or would be used as habitat for birds protected by					X	
Migratory Bird Treaties?		ļ	<u> </u>		Ÿ	
Is or would be used as habitat by other migratory birds that					<b>A</b>	
cross state lines?	ļ	ļ		X		
Is or would be used as habitat for endangered species?			<del> </del>	Y Y		
Is used to irrigate crops sold in interstate commerce?  Check appropriate boxes that best describe potential for appli non-navigable, intra-state aquatic resource area.	  icability of t	 he Migrator	y Bird Rule to	apply to onsite, non-	jurisdictional, isolated	

### TYPE OF DETERMINATION:

Approved \_\_\_. Preliminary X\_ Or

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 - site conditions; paragraphs 2-3 - rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Out of 100 year flood plain, surrounded by highways and railroad development, no hydrologic connection to a navigable waterway.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-14871/(02)

REGULATORY PROJECT MANAGER:

Hoth.

Date: 17 September 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: Y(Y/N)

Date: 22 August 2005

PROJECT LOCATION INFORMATION:

State:

TXGalveston

County: Center Coordinates of Site by Latitude & Longitude Coordinates 29° 29′ 41″N, 95° 03′ 23″W

Approximate Size of Site/Property (Including Uplands & in Acres)

2<u>08</u>

Name of Waterway or Watershed

West Galveston Bay

SITE CONDITIONS:	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	> 50	Linear	Unknown
Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-5 ac	) J us	ac	ac	ac	ac	Feet	
Resources		1 12 54 3							
Lake									
River									
Stream									
Dry Wash									1
Mud Flat									
Sand Flat					X				
Wetlands					A				
Slough									
Prairie Pothole						+			
Wet Meadow									•
Playa Lake									
Vernal Pool				<del> </del>					
Natural Pond						+			
Other Water (Identify									
Type)									
						to a magant o	nd best estin	nate for size for	non-

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

If Kn	own	If Unknown Use Best Professional Judgment					
Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination X			
				X			
				X			
				X			
	Yes		Yes No Predicted to Occur	Voc. No Predicted to Not Expected to			

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Some of the wetlands on the site are not located within the TYPE OF DETERMINATION: 100-year floodplain of a water of the United States and do not have a surface hydrologic connection to a water of the United States. Therefore, these wetlands are isolated with no known nexus to interstate commerce.

DETERMINATIONS OF NO JUSRIDCTION FOR ISOLATED, NON NAVIGALBE, INTRASTATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGANCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

CESWG-PE-RC

FILE NUMBER:

D-17410

REGULATORY PROJECT MANAGER:

**Hudson** 

Date: 19 September 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

At the project Site: Y(Y/N)

Date: 15 September 2005 Date: 14 September 2005

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

**Texas** 

Montgomery

30 12'40"N 95 27'57"W

23 Acres Carters Slough

#### SITE CONDITIONS:

SITE CONDITIONS:  Type of Aquatic	0-1 ac	1-3 ac	3-5 ac	5-10	10-25	25-50	>.50	Linear Feet	Unknown
Resources	146 J.			ac	ac	ac	ac	rect	
Lake									
River						<u> </u>			
Stream									
Dry Wash									
Mud Flat							<b></b>		The second secon
Sand Flat					<u> </u>	<u> </u>			<del>                                     </del>
Wetlands	X				ļ		<del> </del>		<del> </del>
Slough						<del> </del>	ļ		
Prairie Pothole			ļ	ļ	ļ	<u> </u>			
Wet Meadow			ļ					1	-
Playa Lake					ļ			<del> </del>	<del>                                     </del>
Vernal Pool			ļ	ļ		<del> </del>		+	
Natural Pond			<u> </u>			<del> </del>		<del> </del>	<del>                                     </del>
Other Water (Identify									
Type)				ļ					
		1	1	1	1			<del></del>	

Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-

jurisdictional aquatic resource area.	If Known		i If Unknown Use Best Professional Judgment					
Migratory Bird Rule Factors <sup>2</sup>	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination			
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?					X			
Is used to irrigate crops sold in interstate commerce					A initialistical includes			

<sup>&</sup>lt;sup>2</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

PRELIMINARY \_ or APPROVED X TYPE OF DETERMINATION: ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands located outside of 100-year floodplain with no direct hydrological surface connecttion and no known nexus to interstate commerce.